

**IN THE UNITED STATES BANKRUPTCY COURT  
MIDDLE DISTRICT OF PENNSYLVANIA**

In re Maranda Nichole Grasley,

Debtor,

Chapter 13

Docket No.: 5:22-bk-22-02354-MJC

**DECLARATION OF MATTHEW DOUGLAS  
GOTHARD**

I, Matthew Douglas Gothard, hereby declare and state as follows:

1. My legal name is Matthew Douglas Gothard. I am over the age of 21 and am competent to make this declaration. I am a Senior Paralegal with Bread Financial Payments, Inc.

2. Comenity Capital Bank (the “Bank”) and its affiliate servicers (hereinafter, collectively referred to as “Comenity”) are all subsidiaries of Bread Financial Payments, Inc.

3. I am making this declaration in support of the response to the objection filed by Vicki Ann Piontek, attorney for Debtor in connection with the above matter. I am familiar with the facts set forth in this declaration, through personal knowledge and through review of account records maintained in the ordinary course of business by Comenity. I am familiar with the recordkeeping practices of Comenity. The contents of this declaration are believed to be true and correct based upon my personal knowledge of the processes by which Comenity maintains records. If called as a witness, I can testify competently to my knowledge of the facts set forth in this declaration.

4. Comenity Capital Bank is a Utah bank with its principal place of business in Draper, Utah.

5. The business records attached hereto are exact duplicates of the originals except for (1) any marking intended to identify the record as a copy and (2) any redaction intended to remove personal identifying information of the account holder.

6. In the ordinary course of its regular business, Comenity maintains electronic records related to each account. These records are made by, or from, information transmitted by an individual with knowledge of the events described therein at or near the time of the event described in each record. Among other things, these records enable Comenity to determine what documents were sent to a cardholder, and when those documents were sent. Comenity relies on these electronic records in the ordinary course of managing and servicing accounts.

Those records show the following:

7. On or about March 2, 2019, debtor Maranda Grasley (“Debtor”) applied for and was issued a Big Lots credit card account with an account number ending in “5892” (the “Account”).

8. The Account was subject to written terms and conditions that are reflected in a Credit Card Agreement (the “Account Agreement”). Attached as Exhibit A is a true and correct copy of the Account Agreement.

9. Pursuant to Comenity’s policies and procedures, upon the opening of a credit card account, the Account Agreement is sent to the consumer as part of a Welcome Kit via U.S. Mail to the address on file. In this case, a copy of the Account Agreement was mailed to Maranda Grasley at the original address of record on the Account, of 316 Summerhill Ave. Berwick, PA 18603, via the United States Postal Service on or about March 3, 2019. Comenity has a system by which returned Welcome Kits and other mail is noted in an accountholder’s records. Comenity has no record that the Welcome Kit or Account Agreement were returned as undeliverable.

10. Comenity’s records reflect that the Account was sold to Midland Credit Management,

Inc. ("MCN") on or about June 13, 2022.

11. Comenity's records reflect that the last purchase made on the Account prior to sale was on July 31, 2021.

12. Comenity's records reflect that the last payment made on the Account prior to sale was on September 27, 2021.

I have read this declaration and affirm that the statements herein are based upon my own personal knowledge. I declare, under penalty of perjury under the laws of the United States of America, that the foregoing statements are true and correct.

Executed this 8th day of September, 2023

  
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